

REMARKS

Claims 8-26 are pending in this application. By this Amendment, claims 1-7 and 27-30 have been cancelled. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claim priority to the instant application. Reconsideration in view of the above amendments and following remarks is respectfully requested.

In the Office Action, claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US Patent No. 5,541,121). This rejection is respectfully traversed.

Applicants submit that the Office is misinterpreting the subject matter of Johnson. In particular, the Office asserts that material 132 is an emitter landing pad. However, col. 4, lines 10-15 of Johnson indicates that material 132 is polysilicon, which is used to form the emitter region 126 (FIG. 7). Polysilicon is inappropriate for use as a landing pad, which are commonly made of dielectric material. (Applicants also note that the Office refers to material 132 as an emitter landing pad when discussing claim 8, but then later refers to it as an emitter when discussing claim 9.) In view of the foregoing, Applicants request withdrawal of the rejection.

With regard to claim 9, the above arguments are equally applicable. In addition, Applicants submit that the Office is incorrect in concluding that the alleged remaining portion 132 is distanced from intrinsic base 108 by extrinsic base layer 110. FIG. 6 appears to show extrinsic base layer 110 immediately adjacent to intrinsic base 108, i.e., they have upper surfaces that are coplanar. It is, therefore, unclear how one distances the other from a higher layer such as polysilicon 132. Assuming *arguendo* that the Office meant layer 118, Applicants submit that

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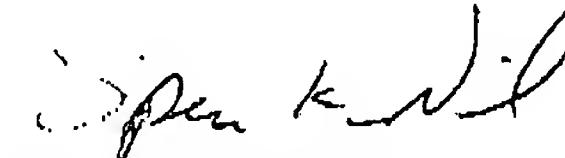
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diffusion source dielectric layer 118 does not provide an extrinsic base layer. Applicants therefore request withdrawal of the rejection.

Applicants appreciate the indication that claims 13-26 are allowed. With regard to the Office's stated reasons for allowance, Applicants submit that the stated reasons are only illustrative and other reasons are also applicable. Applicants also appreciate the indication that claims 10-12 would be allowable if rewritten in independent form. However, for the reasons stated above, Applicants do not believe such action is necessary.

Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, he is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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